/224 cont./

These groups create general rules by establishing custom and by issuing spontaneous and ad hoc rules for cases not provided for, while the arbiters introduce (always as legislators) individualized, spontaneous and ad hoc rules.

Individuals do not participate in the legislative function.

The agents of Sarakatsani law are the same as its sources. However, they also include individuals, or rather specific individuals, according to their rank and status. Sources and individuals become agents the moment they apply established or spontaneous law by particularizing it in various concrete cases. However, aside from the arbiters and the individuals in question, other agents are not apparent because they are not specialized, their legal functions merging with their other functions.

The moment law is applied, the question of responsibility arises quite naturally. It falls equally on groups and individuals, depending on the case. The strong social integration of the Sarakatsani does not negate the responsibility of individuals. The latter see themselves called upon to assume it should the occasion arise.

As for sanction, this is generally part of the reaction which each society manifests with respect to certain behavior that does not conform to its principles. It therefore constitutes above all a social manifestation. Coercion presents the same character. It involves also another part of these same reactions.

Theoretically speaking, sanctions are divided into: first, those provided for, subdivided depending on whether they are organized and unorganized /sanctions/, applied by special agents or not; /225/ second, spontaneous /sanctions/ that is to say, relevant to a judgment "after the event" and set forth "from a feeling of what is good and fair." These can likewise be divided into organized or non-organized; 3rd, /sanctions/ directly imposed by physical force; 4th, /sanctions/ expressed in criticism or by attitudes conveyed in the behavior of the members of the corresponding society toward offenders.

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121 671 681 /235/ Nevertheless, testing it against the experience of the authors enumerated seems to reinforce the hope that disguised sanction and coercion also exist elsewhere, and that in any case it represents a good working hypothesis.

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121 671 681 182 Be that as it may, the solution of disguised sanction and coercion fits well into the Sarakatsani way of life. It would be difficult to imagine any other way. Faced with the dilemma of either not having organized justice (in view of the difficulties of living in small groups and nomadically), or of having one that is ineffective for lack of organization to maintain it, Sarakatsani society has chosen the solution described which meets the demands of the problem. It assures and guarantees the functioning of the social organization and it enforces order without burdening the organization of the group. Therefore the fit between this solution and the social framework seems perfect.

FINAL EVALUATION

671 Customary law, spontaneous law, structureless and disguised law, these are the aspects under which Sarakatsani law presents itself.

678 Issuing from collective sources, this law is also imposed by group agents which are the same as these sources, even in cases where ajudication and its execution are confined to individuals--representatives of the group which recognizes their perogatives, functions and efficacy.

Though intimately bound up with other social regulations, it retains its autonomy. And though exposed to the influence of magico-religious beliefs, above all when it is spontaneous, it clearly keeps its rational character.

Without abolishing the rights and responsibilities of individuals, it favors groups and cooperation, and disfavors individualism. Individual rights exist only when they are compatable with the "group" and in sympathy with the latter (43) --the "invisible government" according to the expression